

NAKETA C. MALONE,)
)
Plaintiff,)
)
vs.) Case No. 4:09CV00053 ERW
)
AMEREN UE,)
)
Defendant.)

This matter comes before the Court on Defendant's Motion to Compel [doc. #33] and Defendant's Motion to Amend the Scheduling Order [doc. #34].

On December 4, 2009, this Court held a hearing by telephone conference regarding Plaintiff's failure to adequately respond to Defendant Ameren UE's requests for interrogatory responses and requests for production of documents. Prior to the hearing, numerous attempts were made to contact Plaintiff's Counsel. However, the Court was unable to reach Plaintiff's Counsel at the phone numbers provided to the Court. As a result, Plaintiff's Counsel did not appear at the hearing.

After considering all the evidence presented, the Court finds that Plaintiff's responses to Defendant's discovery requests are totally inadequate because Plaintiff failed to comply with the Federal Rules of Civil Procedure in responding to Defendant's requests. Plaintiff failed to provide the responses in a timely fashion. Additionally, Plaintiff provided incomplete answers to Defendant's discovery requests and failed to answer several questions. Plaintiff also failed to verify and sign the responses as required by Fed. R. Civ. P. 33(b)(5). Finally, Plaintiff failed to attach any documents in response to Defendant's Request for Production of Documents.

As a result, the Court orders Plaintiff to show cause within ten (10) days of date of this order as to why Plaintiff's claims against Defendant should not be dismissed for failure to comply with the Federal Rules of Civil Procedure. Additionally, the Court orders Plaintiff to pay Defendant's costs in filing this motion within ten (10) days of date of this order .

II. DEFENDANT'S MOTION TO AMEND THE SCHEDULING ORDER [doc. #34]

The Court further finds that Plaintiff's failure to adequately respond to Defendant's discovery requests have prejudiced Defendant. Defendant has been unable to fully prepare its defense without the information sought in the discovery requests. As a result, the Court grants Defendant's Motion to Amend the Case Management Order Deadlines.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff shall show cause within ten (10) days of the date of this order as to why Plaintiff's cause of action should not be dismissed with prejudice for failing to comply with the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that Plaintiff shall pay Defendant \$400 in reasonable attorney fees within ten (10) days of the date of this order.

IT IS FURTHER ORDERED that Defendant's Motion to Amend Case Management Order Deadlines [doc. #34] is **GRANTED**. The following deadlines shall now apply:

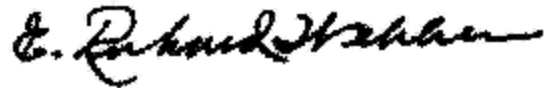
1. The parties shall complete all discovery in this case no later than **January 29, 2010**.
2. Motions to compel shall be pursued in a diligent and timely manner, but in no event filed more than eleven (11) days following the discovery deadline set out above.

3. Any motions to dismiss, motions for summary judgment or motions for judgment on the pleadings must be filed no later than **February 19, 2010**. Briefs in opposition shall be filed within twenty-one (21) days and any reply briefs shall be filed within seven (7) days.

4. The final Pretrial Conference will be held on **May 28, 2010**, at **10:30 a.m.** in Courtroom 12 South of the U.S. District Court.

5. This action is set for a **JURY** trial on **June 7, 2010**, at **8:30 a.m.** This is a **three** week docket.

Dated this 4th Day of December, 2009.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE